LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 20, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #2019

Randolph Square Early Childhood Center

PROPOSAL: Early childhood center for 100 children and 13 employees.

LOCATION: 40th and Randolph Streets

LAND AREA: 0.58 acres, more or less.

CONCLUSION: The proposed facility is too large in capacity and physical appearance

for the area, and does not appear to conform to Design Standards.

RECOMMENDATION: Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 72, and part of Lots 67 and 226, all Irregular Tracts, located

in the NW 1/4 of 29-10-7, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Single-family residential

SURROUNDING LAND USE AND ZONING:

North: Single-family residential R-4 Residential South: R-4 Residential R-4 Residential

Office, retail

B-1 local Business

P-4 Regidential

East: Single-family residential R-4 Residential West: Single-family residential R-4 Residential

ASSOCIATED APPLICATIONS: Special Permit #2020

Randolph Square Community Unit Plan

HISTORY:

Prior to the 1979 zoning update, this property was zoned B Two Family Dwelling. The update changed the zoning to R-4 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The Future Land Use Plan shows this area as Urban Residential. (F 25) This project is located within the Top Priority Area. (F 27)

Page 2

Urban Residential: Multi-family and single-family residential areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre. (F 27)

Top Priority Area: Areas generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. (F 29)

Guiding Principles from the Comprehensive Plan Vision - Quality of Life Assets

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F 15)

Guiding Principles for the Urban Environment - Overall Form

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F 17)

Guiding Principles for the Urban Environment - Residential Neighborhoods

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

Guiding Principles for Existing Neighborhoods

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

Strategies for New and Existing Urban Neighborhoods

The key to both new and existing urban neighborhoods is diversity. (F 71)

For existing neighborhoods, the diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods. Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front street side. The diversity of land uses, including commercial and congregate living facilities are important to the diversity of any area, provided they fit within the character of the block and neighborhood. (F 71)

UTILITIES: Available.

TOPOGRAPHY: The site generally slopes from northeast to southwest, with

approximately 6' of fall.

TRAFFIC ANALYSIS:

The Comprehensive Plan identifies both 40th and Randolph Streets as Minor Arterials both now and in the future. (E 49, F 103) The Public Works & Utilities Department requires that left turn movements into or out of this site be prohibited along 40th Street.

Minor Arterial: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. (F 103)

ENVIRONMENTAL CONCERNS:

The proposal shows the removal of many mature trees.

AESTHETIC CONSIDERATIONS:

The City of Lincoln Design Standards chapter 3.75 Neighborhood Design Standards, and chapter 3.9 Design Standards for Early Childcare Facilities will apply. The proposal shows the removal of many mature trees.

ALTERNATIVE USES:

This property could continue to be used for single- and two-family dwellings with the homes that currently exist on site. The proposed daycare facility could have a smaller capacity.

ANALYSIS:

- 1. This is a proposal for a special permit for an early childhood center for 100 children and 13 employees. Two existing single-family residences will be removed.
- 2. The Comprehensive Plan generally encourages greater residential density in the urban areas, as well as a greater variety of uses. However, it also stresses the importance of existing neighborhoods and the need for future development to be compatible with the character of the surrounding neighborhood.
- 3. The Design Standards for Early Childhood Care Facilities provide that "Child care facilities shall be designed in such a way that they may be reasonably converted to a residential use allowed by right, that is compatible with the surrounding residential area." Several factors are listed to be used to judge compatibility, such as "building size in relation to adjacent existing or future residences, physical appearance in relation to adjacent properties, future use of parking area, lot size in relation to adjacent properties and compatibility of land use."
- 4. The conversion plan provided shows the building will be converted into a 6 unit multiple family residence; however, multiple-family is not an allowed use in the R-4 Residential district. This lot is too small to be developed as a community unit plan. If this lot were added to the proposed adjacent CUP, the area of this lot could not be used to

calculate density, but a multiple-family use could be proposed in the conversion plan as long as the total number of units in the CUP does not exceed the maximum allowable. The conversion plan does not indicate what the future use of the parking area will be. The size and physical appearance of this building are not compatible with the surrounding residential area. Child care facilities of this size are generally sited along higher volume arterials, in areas with other uses of similar scale and traffic generation, of associated with church or school campuses.

- 5. The focus of the Neighborhood Design Standards is on "a limited number of basic design elements which have significant effect on compatibility, such as orientation of windows and entrances toward the street, height and massing, and location of parking." Although they are not reviewed for compliance until building permit applications are reviewed, the proposed elevation does not demonstrate satisfactory conformance to these standards.
- 6. The Lincoln Police Department has raised a concern regarding the intersection of 40th and "H" Streets. The hill north of the intersection is a concern for motorists turning from "H" Street onto 40th Street and for southbound motorists on 40th Street that are turning west onto "H" Street. The Police Department feels the increased traffic that will exit onto 40th Street from the parking lot will only exasperate the problem and possibly be the cause of future collisions or traffic related issues.
- 7. Based upon visibility restrictions, proximity to the Randolph Street intersection, and the lack of a left turn lane, the Public Works & Utilities Department will require the private drive taking access to 40th Street to be right turn in and right turn out only. A "pork chop" island needs to be shown on the site plan to facilitate this requirement. Although a left turn lane currently exists in Randolph Street, the Public Works & Utilities Department has not commented on left turn movements into or out of the site along Randolph Street. The City Traffic Engineer has evaluated the effects of the addition of this proposed facility plus the proposed CUP plus a possible new restaurant on the southwest corner of 40th and Randolph Streets, and concluded the capacity of the intersection is adequate to handle this additional traffic
- 8. The proposed daycare facility per se does not take access to Randolph Street. The parking stalls for the facility are located on the same lot, however, access is taken from the proposed driveway for Randolph Square CUP through an access easement. Therefore, if the Randolph Square CUP does not receive approval, this plan must be revised to show access to a public street.
- 9. The site plan shows that traffic going to and coming from the apartment buildings will cross through the loading/unloading area and parking lot for the daycare facility. This raises concerns over pedestrian safety and increased potential for collisions.

- Easements as requested by Lincoln Electric System must be shown. LES also requires a note be added stating that any relocation of existing facilities will be at owner's expense.
- 11. Comments are attached from the Police, Parks and Recreation, and Lincoln-Lancaster County Health Departments.
- 12. The neighboring residents are opposed to this development, as well as the CUP. They have submitted a petition in opposition, signed by 405 people. A copy of one page is attached as an example. The remaining pages of the petition are part of the file, and may be viewed at the Planning Department. The Planning Department has also received letters in opposition from 65 people living in the immediate area of this proposal. A copy of one letter is attached as an example. The remaining letters are part of the file, and may be viewed at the Planning Department

This item is Final Action at the Planning Commission. Therefore, should the Planning Commission choose to take action other than Denial, this item should be placed on Pending until such time as the CUP has been acted on by the City Council, since this use requires an access easement from the CUP for vehicular access.

Should the Planning Commission choose to Approve this permit, the following conditions should be applied.

CONDITIONS:

Site Specific:

- 1. This approval permits an early childhood care facility for 100 children and 13 employees.
- 2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan including 2 copies showing the following revisions:
 - 2.1.1.1 In the event that Special Permit #2020 does not receive approval, the plans must be revised to show this lot with access to a public street.

- 2.1.1.2 Revise the conversion plan with a use allowed by right in the district.
- 2.1.1.3 Revise the building design to conform to the Neighborhood Design Standards.
- 2.1.1.4 Revise the landscape plan with the correct amount of required parking lot screening for the south side, and correct the number of street trees shown in the schedule.
- 2.1.1.5 Show easements required by LES. Also add a note stating that any relocation of existing facilities will be at owner's expense.
- 2.1.1.6 Add to note 7 a provision that any tree removals will be replanted if there are trees designated to remain but removed due to construction and/or damage.
- 2.1.2 A revised landscape plan including 2 copies showing the following revisions:
 - 2.1.2.1 Add to note 2 a provision that any tree removals will be replanted if there are trees designated to remain but removed due to construction and/or damage.
 - 2.1.2.2 All proposed tree removals, including those on City right-of-way must be shown on the revised plan.
- 2.1.3 Submit a permanent final plan with 5 copies as approved.
- 2.2 The construction plans shall comply with the approved plans.
- 2.3 Final Plats shall be approved by the City.
- 2.4 The required easements as shown on the site plan are recorded with the Register of Deeds.
- 2.5 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the daycare facility all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Greg Czaplewski Planner

Date: August 6, 2003

Applicant: Steve TeSelle d/b/a Foresights, L.L.C.

3875 Smith Street Lincoln, NE 68506

488.3992

Owner: Same as Applicant

Contact: Design Associates, Inc.

J. D. Burt

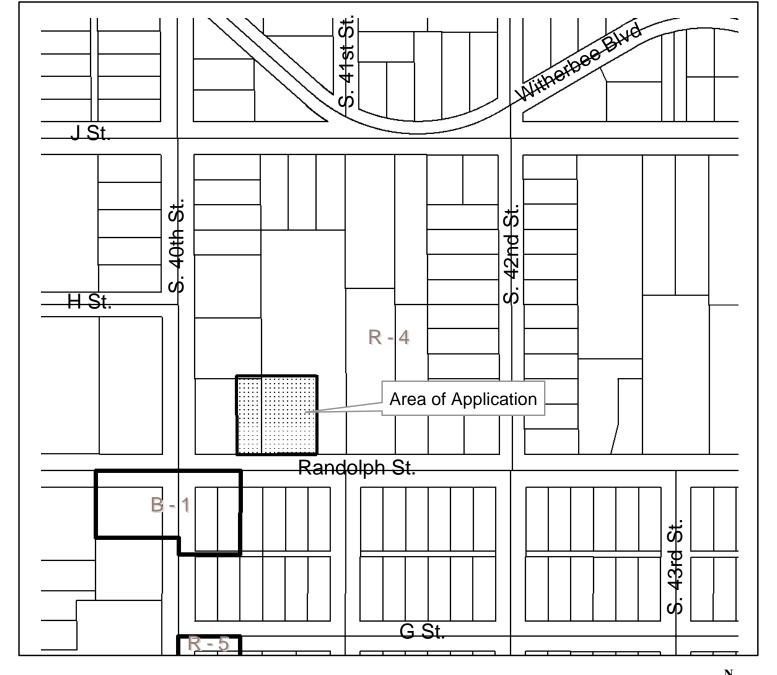
1609 "N" Street Lincoln, NE 68508

474.3000



Special Permit #2019 S. 40th & Randolph St.





Special Permit #2019 S. 40th & Randolph St.

Zoning:

R-1 to R-8Residential District Agricultural District AG AGR Agricultural Residential District R-C Residential Convervation District 0-1 Office District 0-2 Suburban Office District O-3 Office Park District R-T Residential Transition District B-1 Local Business District Planned Neighborhood Business District B-2 B-3 Commercial District

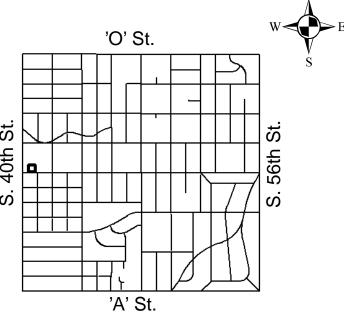
B-4 Lincoln Center Business District
B-5 Planned Regional Business District
H-1 Interstate Commercial District
H-2 Highway Business District

H-3 Highway Commercial District
H-4 General Commercial District
I-1 Industrial District

I-2 Industrial Park DistrictI-3 Employment Center DistrictP Public Use District

One Square Mile Sec. 29 T10N R7E







Design Associates of Lincoln, Inc.

Pershing Square 1609 'N' Street Lincoln, NE 68508

Phone: (402) 474-3000 • Fax: (402) 474-4045

April 30, 2003

Marvin Krout Lincoln/Lancaster County Planning Department 555 South 10th Street Lincoln, Nebraska 68508

RE:

Randolph Square:

Special Permit- Community Unit Plan

Special Permit- Early Childhood Care Facility

Mr. Krout:

On behalf of Steve TeSelle, dba Foresights, L.L.C., owner of property located between Randolph and "I" Streets, east of 40th Street, please accept this correspondence as supplemental information to the attached City Zoning Applications for Special Permit. These applications request approval of Special Permits for a Community Unit Plan and a Early Childhood Care Facility. The property is legally described as Lots 67 I.T., 72 I.T., 76 I.T., 222 I.T., 223 I.T., and 226 I.T., located in the Northwest Quarter of Section 29, T10N, R7E, Lincoln, Lancaster County.

Development of this 3.5-acre property proposes two 16-family buildings on the undeveloped portion of the site and demolition of two single-family dwellings located along Randolph Street to accommodate construction of an early childhood care facility facility. The early childhood care facility site is designed to meet licensing requirements for a 100-child facility. Three (3) existing single-family residences located along "J" Street and one (1) residence along 40th Street will be retained and made available for sale or lease.

The two story multi-family buildings are designed as condominiums to allow each unit to be sold individually. The proposed residential use and density are consistent with the existing R-4 zoning of the site and surrounding area. The community unit plan proposes 36 dwelling units, including three residences along "J" Street and one residence along 40th Street. A change of zone is not requested with these applications.

Access Randolph Square is provided by two joint accesses located on Randolph and 40th Streets. This alignment is intended to discourage use of adjacent local streets while providing a parking configuration that will allow joint use of stalls for land uses that typically do not have non-concurrent parking needs. Parking is provided for each land use that meets current city requirements.

Randolph Square is designed with a building setback of twenty-five (25) feet adjacent to the limit of the development. Privacy fence six (6) feet in height is proposed along portions of the perimeter to limit visibility of parking and activity areas from the adjacent residences. The existing trees located along the limit of the development will be preserved where possible.

MAY 9 2003

Site development will include construction of private utilities. Sanitary and water services will connect to existing public infrastructure in Randolph and 40th Street while storm sewer will be constructed between the multi-family parking lot and the existing storm sewer in "J" Street. Appropriate utility easements will be dedicated.

During our meeting with neighbors, several concerns were raised. Concerns included density/project scale, potential disruptive activities by tenants and traffic. The following is offered in response:

Density/project scale. The development proposes 36 dwelling units and early childhood care facility located on the 3.5-acre site. The maximum density of 37 dwellings would be allowed based upon the existing zoning of the site and the surrounding neighborhood. Site development includes preservation of four (4) residences located along 40th Street and "J" Street that will serve as a buffer to portions of the proposed development. Multi-family buildings are located a minimum of 25 feet from perimeter lot lines to provide an interior buffer to existing residences. Existing trees and privacy fence will be utilized along the limits of the development to provide screening to the adjacent properties.

Disruptive Tenants. The developer has re-evaluated the development with respect to individual ownership as a result of the neighbors concerns. Development of the site will include creation of a condominium regime to allow individual ownership of each unit within the two multi-family buildings. We concur with the neighbors that individual ownership will provide Randolph Square with a 'self-policing' environment that will likely discourage undesirable behavior.

Traffic. Access to the development has been limited to the adjacent arterial streets to reduce the potential of traffic on local streets. Since Randolph Square is located within a developed portion of the city and the development does not propose a change of zone that would allow an increase in density, it is assumed the adjacent arterial streets have been designed by the city to accommodate development of this property under its current zoning.

We look forward to approval and implementation of Randolph Square and would appreciate your favorable consideration. Please advise if additional information is desired.

Sincerely,

J.D. Burt For the firm

Attachments:

Randolph Square Community Unit Plan

Randolph Square Early Childhood Care Facility

March 7, 2003 Letter to Neighbors March 20, 2003 Open House Invitation

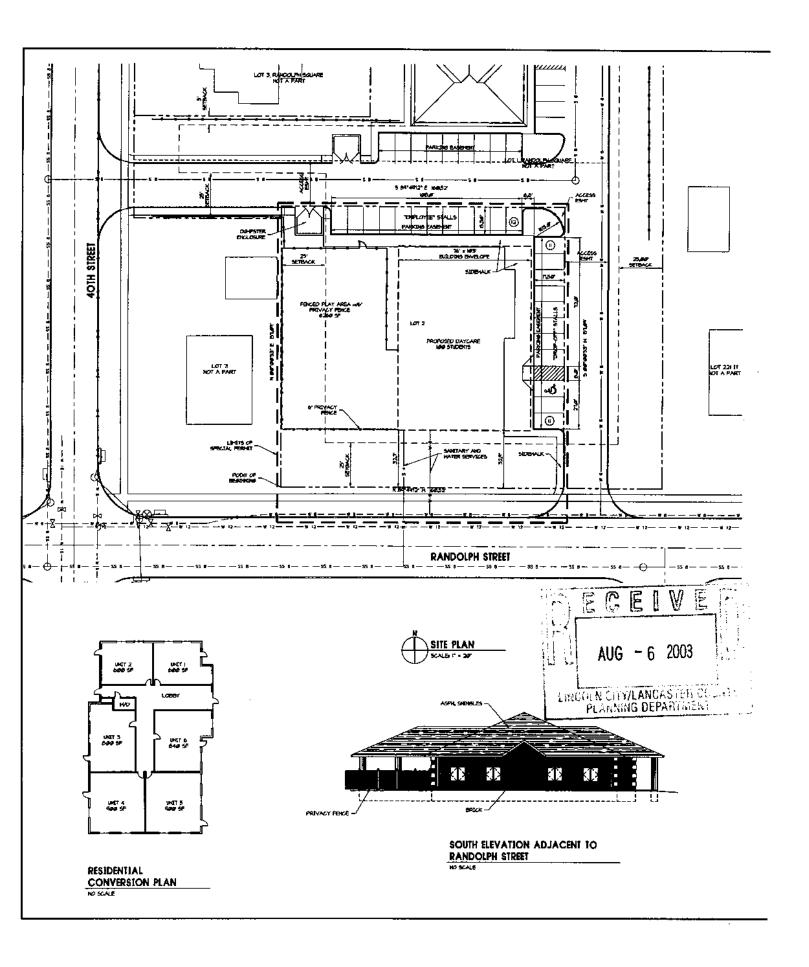
cc w/ attachments:

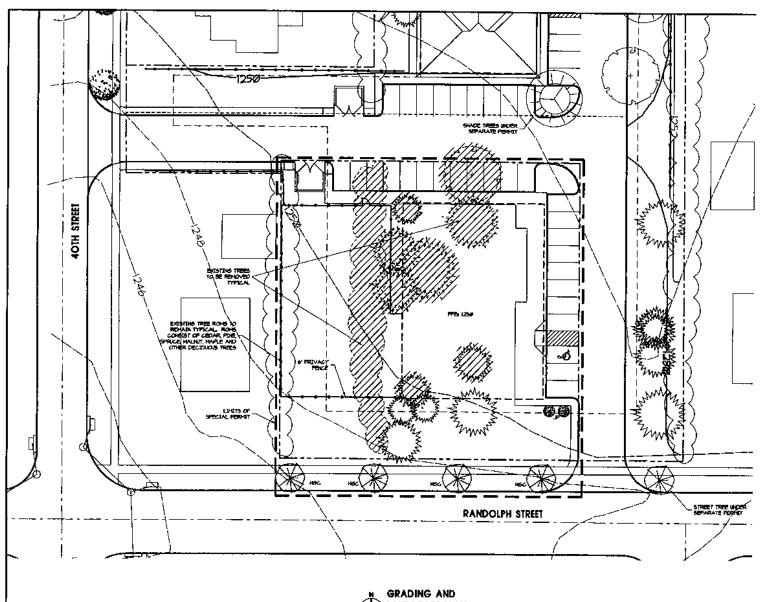
Steve TeSelle

Harold Heiser

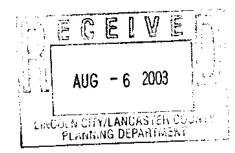
MAY 9 2003

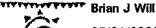
LALLER N CHTY/LANCASTER COOK





GRADING AND
LANDSCAPE PLAN





05/21/2003 11:01 AM

To: Gregory S Czaplewski/Notes@Notes

cc:

Subject: Randolph Square Addition

...and another.

---- Forwarded by Brian J Will/Notes on 05/21/2003 10:59 AM ----



MICHAEL WOOLMAN < Ipd737@CJIS.CI.LIN COLN.NE.US>

To: Brian Will < BWill@ci.lincoln.ne.us>

CC

Subject: Randolph Square Addition

05/21/2003 10:42 AM

Mr. Will,

After reviewing the Randolph Square Addition Special Permit #2019 the Lincoln Police Department does have an area of concern. The area of concern is the intersection of 40th and "H" Street. There is a hill north of the intersection that is a concern for motorists exiting "H" Street onto 40th Street and for southbound motorists on 40th Street that are turning west onto "H" Street. We feel that the increased traffic that will exit onto 40th Street from the daycare parking lot will only exasperate the problem and possibly be the cause of future accidents or traffic related issues.

Sergeant Michael Woolman Lincoln Police Department

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT INTER-OFFICE COMMUNICATION

TO: Greg Czaplewski

DATE:

July 28, 2003

DEPARTMENT: Planning

FROM:

Chris Schroeder

Jerry Hood Nate Brandt

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director

SUBJECT:

Randolph Square Add

EH File

SP #2019 CUP #2020

EH Administration

Resubmittal

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Randolph Square Addition with the following items noted:

■ Total number of staff parking required will be determined by program set-up within the childcare. Staff to child ratio guide is taken from the Nebraska Department of Health and Human Services: Child Care Center Standards and is as follows:

Age Range of Children	Number of Staff	Number of Children
6 weeks to 18 months	1	4
18 months to 3 years	1	6
3 years	1	10
4 and 5 years	1	12
Kindergarten and up	1	15

■ Prior to demolition or renovation of any existing commercial or residential structure an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. The EPA does allow for one residential building exemption with four or fewer dwelling units per owner/operator. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034. This has been addressed by the applicant in the site plan general notes.

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. This has been addressed by the applicant in the site plan general notes.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved. This has been addressed by the applicant in the site plan general notes.



Memo

To: Greg Czaplewski, Planning Department

From: Mark Canney, Parks & Recreation

Date: July 22, 2003

Re: Randolph Square Addition SP 2019 PP 2020

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

- Revised plans need to be resubmitted.
- 2. All proposed tree removals, including those on City right-of-way must be shown on the revised plan.
- Landscape Notes (No. 2) states that owner/developer reserves the right to remove dead and/or damaged trees in addition to removals indicated. Such removals should be replanted if there are trees designated to remain but one removed due to construction and/or damage.
- 4. Private roads need to have street trees spaced according to the City of Lincoln Standards on Street trees.
- A Community Recreation Plan needs to be included showing a ½ court basketball court, swing, spring toys; recreation opportunity for all ages.

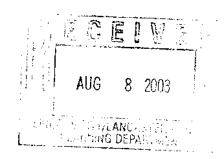
If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

Randolph Square Petition originated by the Witherbee Neighborhood Association

We the undersigned neighbors that live in close proximity to the Randolph Square property wish to voice our strong opposition to said proposed project. Our concerns are due adverse impact the project will have on the surrounding neighborhood by exceeding the current density of the surrounding area; causing significant traffic congestion due to increased parking and street usage demands; degrade of character, beauty and property value of our neighborhood. We do support development the preserves and enhances our neighborhood through utilization of quality homes that are consistent with the current density level of our neighborhood.

_		1.										,			
Signature	Artel 0 6	Grubel Dunke	M. D. D. O. C.	Collisio D Suchua. 1 10	1-C HORTH	(IN Anders	Jone C. Mr. M. 00 %	A CANA	Hussell of shalp	(llis Barba	get to Phus	What Ill Collen	}	Study Ph-	Kith Engetion
Address		אַ	5tr 8 1584	410 S 45th ST Lincola NE	410 S. 4/- Lingstonk	410 B South 45th St	420 So. 45th St.	417 S4184 St 11000h NS	4175. 46" St. Linoly NE	430 SHCTL ST	518 South #6 Linch	=10 South, 46 Juniole	sach 96 1	521 South 46 Uniolune	520 South 46 - Lucen
PRINT Name	AUK	2 Sombrell Jury Knight	3 Chaved Bock	4 David D Sticking Jo	5 1	6 Jeff Anderson	1 Jose E. M. Meen	8 Lisa S. Shafer	9 Russell S. Shale	10 Ellis Benhan	11 Ruth M. Robuson	12 Wandall Callian	23 Jaun Valent	14 Shelley Jenown	15 Kuth Engstrom

Lincoln/Lancaster Planning Commission 555 So. 10th Street, Rm. 213 Lincoln, NE 68508



Planning Commission:

I am writing to express my interest in preserving, protecting and enhancing the community's quality of life. A project called Randolph Square located within the block bordered by 40th, Randolph, 42nd and J Streets is a threat to that quality as proposed.

It is of interest to me that the neighborhood maintain its density ratio of approximately 4.1 units per acre. The proposed project would put the block mentioned at 6. Such a density will have an effect on the vehicle traffic patters of the area and that in turn will threaten the pedestrian traffic. Parking in the plan was seen as not adequate and it is anticipated that parking will then be utilized on the side streets. This is an area of Lincoln that residents have become used to using the streets as sidewalk and are content with that ability. School children in the morning use these same streets to walk to the area schools. The current traffic and density allow that.

The Child Day Care facility proposed will also present a traffic flow increase and use of the side streets to accommodate access. The developers don't anticipate this; however, the neighborhood has good reason to feel otherwise. We drive too.

Other concerns I and others have with the project are water drainage from such a large parking lot, emergency vehicle access to a confined area, and stresses to the infrastructure that have been here for a 2.8 house per acre block, to mention a few.

We agree a development of some type of single family or duplex development would maximize use of the property. Keeping the density of the block at around 4 to 4.5 units per acre would help to blend in the new with the old to the benefit of both. Owner occupied as well as renter occupied could also be a part of this blend. With a wholesale density increase comes a depreciated desire to live in the area by the current residents. This decrease in desire translates to a decrease in property values and a drop in property maintenance. The character of the neighborhood is not what it used to be.

The proposed Randolph Square is an attack on the community's quality of life. I am against that type of project.

Signed by: Jack Hayes

Date: 7-29-03